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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 GOOGLE LLC,  
19 Plaintiff and Counterdefendant,  
20 v.  
21 SONOS, INC.,  
22 Defendant and Counterclaimant.

Case No. 3:20-cv-06754-WHA  
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF COLE B.  
RICHTER IN SUPPORT OF  
GOOGLE'S ADMINISTRATIVE  
MOTION TO CONSIDER WHETHER  
ANOTHER PARTY'S MATERIAL  
SHOULD BE SEALED (DKT. 484)**

1 I, Cole B. Richter, declare as follows and would so testify under oath if called upon to do  
 2 so:

3 1. I am an attorney with the law firm of Lee Sullivan Shea & Smith LLP, counsel of  
 4 record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good standing  
 5 of the Bar of the State of Illinois. I have been admitted *pro hac vice* in this matter. I make this  
 6 declaration based on my personal knowledge, unless otherwise noted. If called, I can and will  
 7 testify competently to the matters set forth herein.

8 2. I make this declaration in support of Google’s Administrative Motion to Consider  
 9 Whether Another Party’s Material Should be Sealed filed on February 7, 2023 (Dkt. 484)  
 10 (“Administrative Motion to Consider”), in connection with Google LLC’s Motion for Summary  
 11 Judgment (“Motion”).

12 3. Sonos seeks an order sealing the materials as listed below<sup>1</sup>:

13 <b>Document</b>	14 <b>Portions Google Sought to Be Filed Under Seal</b>	15 <b>Portions Sonos Seeks to Be Filed Under Seal</b>	16 <b>Designating Party</b>
17 Exhibit 1 to Motion	18 Entire document	19 Portions highlighted in blue <sup>2</sup>	Sonos
Exhibit 6 to Motion	Entire document	Portions highlighted in blue	Sonos
Exhibit 8 to Motion	Entire document	Portions highlighted in blue	Sonos
Exhibit 9 to Motion	Entire document	Entire document	Sonos
Exhibit 13 to Motion	Entire document	Entire document	Sonos

20 4. I understand that the Ninth Circuit has recognized two different standards that may  
 21 apply to a request to seal a document, the “compelling reasons” standard and the “good cause”  
 22 standard. *Blessing v. Plex Sys., Inc.*, No. 21-CV-05951-PJH, 2021 WL 6064006, at \*12 (N.D.  
 23 Cal. Dec. 22, 2021) (citing *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97  
 24 (9th Cir. 2016)). The compelling reasons standard applies to any sealing request made in

25 <sup>1</sup> Google’s Administrative Motion to Consider also seeks to seal portions of Google’s Motion and  
 26 Exhibits 2, 3, 14, 19 and 21. Sonos’s advises that Google’s Motion and Exhibits 2, 3, 14, 19  
 27 and 21 do not contain Sonos confidential information and/or material.

<sup>2</sup> The portions outlined in red boxes in Exhibit 1 were identified and prepared by Google. See  
 28 Dkt. 482 (Google’s Administrative Motion).

1 connection with a motion that is “more than tangentially related to the merits of a case.” *Id.*  
 2 Accordingly, I understand courts in this district apply a “compelling reasons” standard to a  
 3 sealing request made in connection with a motion for summary judgment. *See, e.g., Snapkeys,  
 4 Ltd. v. Google LLC*, No. 19-CV-02658-LHK, 2021 WL 1951250, at \*2 (N.D. Cal. May 14, 2021).

5       5. I further understand that confidential technical information about product features,  
 6 architecture, and development satisfies the “compelling reason” standard. *See Delphix Corp. v.  
 7 Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at \*2 (N.D. Cal. Aug. 20, 2014) (finding  
 8 compelling reasons to seal where court filings contained “highly sensitive information regarding  
 9 [an entity’s confidential] product architecture and development”); *Guzik Tech. Enters., Inc. v. W.  
 10 Digital Corp.*, No. 5:11-CV-03786-PSG, 2013 WL 6199629, at \*4 (N.D. Cal. Nov. 27, 2013)  
 11 (sealing exhibit containing “significant references to and discussion regarding the technical  
 12 features” of a litigant’s products). Under this “compelling reasons” standard, the Court should  
 13 order the above-listed documents sealed.

14       6. The portions highlighted in blue in Exhibits 1, 6, and 8 reference and contain Sonos’s  
 15 confidential business information and trade secrets, including details regarding the source code,  
 16 architecture, technical operation of various products and research and development processes.  
 17 The specifics of how these functionalities and processes operate is confidential information that  
 18 Sonos does not share publicly. Thus, public disclosure of such information may lead to  
 19 competitive harm as Sonos’s competitors could use these details regarding the architecture,  
 20 functionality, and processes of these products to gain a competitive advantage in the marketplace  
 21 with respect to their competing products. A less restrictive alternative than sealing said  
 22 documents would not be sufficient because the information sought to be sealed is Sonos’s  
 23 confidential business information and trade secrets and Google contends that this information is  
 24 necessary to Google’s Motion. *See* Declaration of Jocelyn Ma in Support of Google LLC’s  
 25 Administrative Motion to Seal, ¶¶ 4 and 5 (Dkt. 482-1).

26       7. The entirety of Exhibits 9 and 13 reference and contain Sonos’s confidential business  
 27 information and trade secrets, including details regarding the architecture, technical operation of  
 28

1 various products and research and development processes. The specifics of how these  
2 functionalities and processes operate is confidential information that Sonos does not share  
3 publicly. Thus, public disclosure of such information may lead to competitive harm as Sonos's  
4 competitors could use these details regarding the architecture, functionality, and processes of  
5 these products to gain a competitive advantage in the marketplace with respect to their competing  
6 products. A less restrictive alternative than sealing said documents would not be sufficient  
7 because the information sought to be sealed is Sonos's confidential business information and  
8 trade secrets and Google contends that this information is necessary to Google's Motion. *See*  
9 Declaration of Jocelyn Ma in Support of Google LLC's Administrative Motion to Seal, ¶¶ 4 and 5  
10 (Dkt. 482-1).

11 8. Sonos's request is narrowly tailored to protect its confidential information.

12        9. Sonos's unredacted and highlighted versions of Exhibits 1, 6 and 8 accompany this  
13 declaration. Redacted versions may be filed once Google's Administrative Motion is ruled on.

14 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
15 knowledge. Executed this 13th day of February, 2023 in Chicago, Illinois.

*/s/ Cole B. Richter*

COLE B. RICHTER